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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,994	04/30/2001	Hideyuki Agata	450100-03203	2930

20999 7590 05/22/2003

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[REDACTED] EXAMINER

CHOI, WOO H

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2186

DATE MAILED: 05/22/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/845,994	AGATA ET AL.
	Examiner	Art Unit
	Woo H. Choi	2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 April 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) 8-12 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 107 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. The Office Action dated January 23, 2003 requiring election of claims, contained a typographical mistake that resulted in claim 8, which properly belongs in Group II, being included in Group I as well. This was communicated via a telephone conversation with Applicant's representative Mr. William S. Frommer on May 8, 2003. During the telephone conversation, a provisional election was made with traverse to prosecute the invention of Group I, claims 1 – 7. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8 – 12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 2 and 4 – 7 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Shih *et al* (US Patent No. 6,405,362).

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4. With respect to claims 1 and 5 – 7, Shih discloses an information processing apparatus for reading data from a detachable predetermined recording medium, comprising:

unloading detection means for detecting the unloading of said recording medium from said information processing apparatus (figure 3, 310 Card Removal event); and  
ending means for ending, in response to the unloading of said recording medium detected by said unloading detection means, an application program started to process said data read from said recording medium (col. 7, lines 63 – 67).

5. With respect to claim 2, the information processing apparatus further comprises:

loading detection means for detecting the loading of said recording medium (figure 3, 310 Card Insertion event); and  
starting means for starting, in response to the loading of said recording medium detected by said loading detection means, said application program for processing said data recorded on said recording medium (col. 7, lines 52 – 61).

6. With respect to claim 4, recording medium is a semiconductor memory (col. 7, line 57).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih in view of Sato (US Patent No. 6,067,398)

Shih discloses all of the limitations of the parent claim, claim 1, as discussed above. However, Shih does not specifically disclose detection means for detecting access to said recording medium and means for restricting the unloading of said recording medium in response to a detection result provided by said detection means. On the other hand, Sato discloses an information processing apparatus for where unloading of recording medium is restricted while the recording medium is being accessed (Sato, claim 7).

It would have been obvious to one of ordinary skill in the art, having the teachings of Shih and Sato before him at the time the invention was made, to use the removal prevention mechanism teachings of the information processing apparatus with detachable recording medium of Sato, in the information processing apparatus with detachable recording medium of Shih, in order to prevent data corruption while recording or erasing (Sato, col. 10, lines 30 – 37).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Redford *et al.* (US Patent No. 5,711,672) disclose an information processing system with detachable recording medium that automatically starts and ends execution of applications based on insertion and removal of storage media. Hamasaka *et al.* (US Patent No. 5,485,439)

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disclose an information processing apparatus with detachable recording medium that prevents removal of recording medium while it is being used.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Woo H. Choi whose telephone number is (703) 305-3845. The examiner can normally be reached on M-F, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (703) 305-3821. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*whc/mw*  
whc  
May 19, 2003

  
MATTHEW KIM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100